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COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 50th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 1 March 1995, at 3 p.m.

Chairman:	Mr. BIN HITAM	(Malaysia)
later:	Mr. PALLAIS (Vice-Chairman)	(Nicaragua)

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RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

The meeting was called to order at 3.10 p.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

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1. Ms. MACHEL (Expert on the issue of the protection of children affected by armed conflicts), reporting to the Commission on the progress she had made with her future study on the impact of armed conflict on children, said that, to be successful, the study would have to satisfy four main conditions: first, there must be the widest possible participation of Governments, non-governmental organizations (NGOs), international agencies, religious and civic leaders, education specialists and other independent experts, regional diversity being ensured so that the study was not perceived as reflecting the views or realities of any particular hemisphere or socio-economic bloc; secondly, the recommendations of the study must be founded on solid research and analysis; thirdly, the study must facilitate greater cooperation among Governments, NGOs and United Nations bodies; and, fourthly, the study must heighten awareness of the suffering of children in armed conflicts.

2. To ensure the widest possible participation in the study from all areas, she intended to convene a series of six consultations at the regional level, beginning with a consultation on eastern and southern Africa at Addis Ababa. Representatives of local and international NGOs, Governments, civil society and United Nations agencies had been invited to participate and would be asked to propose new approaches to the following problems: the changing patterns of conflict within the region; how the protection of children in armed conflicts could be improved; how the physical and psychological recovery and social reintegration of such children could be promoted; the effectiveness of measures to implement international standards; and accountability and responsibility for children in situations of armed conflict.

3. The process would be supported by field visits to the countries affected by armed conflict. In December 1994, she had visited Rwanda, and in June 1995 she planned to go to Cambodia; subsequent visits had been scheduled for El Salvador and Georgia.

4. She had also commissioned a series of technical papers on the key issues. To assist in editing and evaluating the papers, her technical advisers - a group of 13 leading experts in diverse fields - would meet for a second time

later in 1995. She hoped to receive firm offers of technical input from the participating agencies and organizations and intended to explore all the relevant media. The task of promoting the study and its objectives would be assisted by her group of Eminent Persons, whose first meeting would be held in May 1995.

5. Enhancing knowledge of and respect for international law, particularly among the military, was fundamental to improving the situation of children in armed conflict. She would explore, inter alia, what role monitoring could play in promoting respect of the law, how NGOs and the United Nations could oversee the conduct of armed conflicts if Governments were not ready to do so and how seriously Governments were taking their duties to punish war crimes committed against children.

6. Particular consideration would be given to the issue of child participants in armed conflict. Finding ways to prevent recruitment, particularly into non-State armed forces, and ensuring that former child soldiers were reintegrated into society would form an important part of the study. She noted the excellent work of a number of NGOs in that area and looked forward to cooperating closely with them.

7. Children were particularly vulnerable to land-mines, which not only killed and maimed but also blocked relief convoys, rendered agricultural land useless, prevented refugees from returning home, exhausted precious medical resources, damaged the environment and even hampered elections. The study would seek to promote mine-awareness education, mine surveying and the effective marking of minefields. There was also need for much better monitoring of the transfer of mines, particularly to non-State armed forces. The ultimate solution, however, could only be a total prohibition, at least of anti-personnel land-mines.

8. There was substantial evidence to suggest that education in emergency situations offered children significant protection against trauma. After the conflict had ended, the rebuilding of schools and the training of teachers must be given top priority. Education must seek to promote peace and tolerance, not fuel hatred and suspicion. Children of minorities must be able to develop within their own languages, and their cultures must not be neglected.

9. The media must be made more aware of children's issues. Greater attention by the media to such international instruments as the Convention on the Rights of the Child and the Geneva Conventions would lead to heightened public awareness.

10. Children caught up in low-intensity conflicts were especially vulnerable to torture and abuse, particularly in periods of detention. The situation of the Palestinians or the Kurds gave chilling examples of that. Ensuring the effective protection of children in such situations would be the subject of a conference in autumn 1995. She hoped to collaborate closely with the Special Rapporteur on violence against women on the problem of the rape of girls and young women in conflicts.

11. It was widely acknowledged that sanctions took a particularly heavy toll of children, and she hoped to propose ways in which the international community could alleviate that situation without easing the pressure on recalcitrant Governments.

12. The study would seek to propose ways to train peace-keeping troops to take into account the needs and rights of children in volatile situations. Research in the area of the psychosocial impact of conflict must be pursued and thought given to the social reintegration of children into normal community life.

13. Some children knew no other life than that of a refugee camp, or they might be forced from their homes and denied international protection because they had not crossed an international border. Consequently, she intended to give careful study to ways of improving legal protection and the provision of basic services in such cases so as to ensure that children's right to development was not impaired.

14. Lastly, she paid tribute to the late James Grant, whose selfless devotion to the cause of children was a lesson to all.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1995/4, 7 and Corr.1, 10, 12, 37, 52, 53, 54 and Corr.1, 55-59, 60 and Add.1, 61 and Add.1, 62-64, 65 and Corr.1, 66, 67 and Corr.1, 68-72, 108, 111, 117, 118, 126-128, 131, 133, 136, 138-140, 142-145, 148, 150, 152 and 153; E/CN.4/1995/NGO/3, 16, 19-21, 24, 27, 29, 31, 33, 38 and 39; A/49/394, 508, 513, 514 and Add.1-2, 539, 544, 594 and Add.1, A/49/641 - S/1994/1252, A/49/650 and 651)

15. Mr. HAUTNER-MARKHOF (Centre for Human Rights), introducing on behalf of the Special Representative of the Commission the report on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1995/55), said that it incorporated information received up to the first days of January 1995. Cooperation with the Government of the Islamic Republic of Iran had diminished, and it was therefore necessary to appeal once again to the relevant authorities to return to the level of cooperation of a relatively recent past.

16. The Special Representative stressed that he had never made use of a sole source of information and that the official Iranian statement of 15 August 1994 asserting that the reports had been based on a sole source, one known for its radical opposition to the Government, was thus not in keeping with the facts. The main source of the Special Representative's information had been and continued to be the Iranian press. In the past two years, the reports of executions published had dropped considerably in compliance with official instructions, as had been pointed out in his earlier reports. The figures on executions contained in the interim and final reports, must therefore be regarded as incomplete.

17. The year 1994 had seen the murder of three Protestant ministers. The circumstances surrounding those crimes were such that they required an investigation in strict compliance with due process, including a public trial, defence counsel, sufficient time to prepare the accusation and the defence, the admission of evidence for the defence and the right of appeal. The Iranian Government had replied, in the addenda to the interim report, to the request for information on those murders, had arrested suspects and had denied any responsibility in the affair. The new information provided would enable the Commission to reach a conclusion on those difficult cases.

18. Another significant event had been the bomb that had exploded in the precincts of the tomb of the Iman Reza, in Masshad, one of the most venerated religious shrines in Iran, on 20 June 1994, causing the death of 26 people and injuring 170 others. That insensate act must be unanimously condemned. As pointed out in paragraph 116 (k) of the interim report (A/49/514), it was to be hoped that the evidence in cases with a great political impact, such as the murders of the Protestant ministers and the attack in Masshad, would be examined according to logical and reasonable rules of evaluation and procedure that would support credible conclusions. In such politically sensitive cases involving police investigation and criminal prosecution, the findings would be stronger if the Government were to solicit the cooperation of the competent organs of the United Nations and ensure the presence at public trials of representatives of humanitarian organizations and NGOs of recognized seriousness and competence, and were to send photocopies of the records of the proceedings to the competent organs of the United Nations.

19. Concerning the torture and ill-treatment of prisoners, the Special Representative said that he had rarely seen such direct and persuasive information as that concerning the testimony of a German prisoner recently released and that regarding the examination of the cadaver of a Jewish prisoner executed on charges of spying, two cases that had been discussed in detail in chapter III of the interim report.

20. It had been reported that a meeting of the Freedom Movement of Iran, headed by the former Prime Minister Mehdi Bazargan, had been broken up by an uncontrolled pro-governmental mob. He urged the competent authorities to intervene on time and with due restraint to prevent such actions, which violated freedom of association and assembly.

21. There had been no major changes in the situation of women since the interim report, and the observations contained in the 1993 reports thus continued to apply. The domestic legal situation in the Islamic Republic of Iran must be brought into line with the international legal system.

22. The Government of the Islamic Republic of Iran and the International Committee of the Red Cross (ICRC) had been linked by an agreement signed in 1991, which had been unilaterally suspended; efforts should be made to reactivate the agreement, which regulated visits to prisoners and detained persons.

23. Concerning the Baha'i, no developments had been noted in their situation since the provisional report. Recently, Mr. Bokhshu'lláh Mithaqui, imprisoned since 1985, had received verbal notification that his prison sentence had been

extended for another 10 years. Information had also been received on three new cases of confiscation of property. In Masshad, pressure was being applied to the followers of the Baha'i faith, and several businesses had been forced to dismiss Baha'i employees. In November 1994, nine Baha'is had still been in prison because of their beliefs. Restrictions continued to be imposed in the areas of education and commerce.

24. The administration of justice likewise remained unchanged. The revolutionary courts did not ensure due process. Mrs. Mohammadi Malakeh, who had been sentenced to 20 years in prison, had not had legal counsel during the trial. Mr. Manouchehr Karimzadeh, recently pardoned, had been sentenced to 10 years in prison for having aired his views in the media. The Iranian authorities must review those accusations and introduce legislation to guarantee due process as recognized in the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran was a party.

25. A systematic study of the relationship between Islamic law and existing international human rights instruments, which the Special Representative had proposed to the Iranian Government two years previously, was still under consideration. Initial discussions had taken place on the holding of a seminar, the drafting of a programme of work and the designation of basic texts.

26. The Special Representative considered that international monitoring of the situation of human rights in the Islamic Republic of Iran should continue.

27. Mr. ABU-EISSA (Arab Lawyers Union) said that human rights violations had spread and intensified in many parts of the world largely as a result of poverty, civil wars and other conflicts, terrorism, and ethnic-cleansing campaigns. Victims of human rights violations included indigenous populations, national groups and minorities. Among the perpetrators of such violations were States, especially their security forces and armed forces, racist groups and radical political forces, including those which exploited religion for the purpose of imposing their views on others.

28. Human rights abuses in the countries of the Middle East and north Africa were on the rise. Israeli forces were committing human rights violations against the peoples of southern Lebanon, the Golan Heights and Palestine. Examples of the devastating impact of religious extremism, fanaticism and terrorism on human rights could be seen in the Sudan and Algeria.

29. Israeli policy and practices in occupied Palestine demonstrated the serious consequences that arose from failure to comply with United Nations resolutions. Despite the recent peace agreements, the occupying Israeli authorities continued to annex Palestinian land and to build and expand their settlements. Israeli authorities had thus far refused to withdraw their security forces from Palestinian towns and would not even allow the Palestinians to hold legislative elections. Palestinians were subject to murder, economic embargo and detention under inhuman conditions.

30. He called upon Israel to comply with the relevant resolutions and withdraw from the occupied Palestinian territories, so that the Palestinian people could exercise its right to self-determination and establish an independent State.

31. The Commission must take action with respect to the situation in Sudan. His organization endorsed the call by Amnesty International for the deployment of international human rights monitors in that country. It also hoped that the Security Council would take all the necessary steps to put an end to human rights violations there.

32. In Algeria, widespread extremism, terrorism and counter-terrorism were causing daily violations of the most basic human right, the right to life. Intellectuals, journalists and human rights activists were among the targets. Schools and other institutions established for the benefit of the Algerian people were being demolished.

33. Mr. Pallais (Nicaragua), Vice-Chairman, took the Chair.

34. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that his organization was profoundly concerned at the growing number of gross violations of trade-union rights throughout the world. It was unfortunate that the right of every individual to form and join trade unions, as enshrined in the International Bill of Human Rights, had not yet been universally conceded.

35. Serious violations of trade-union rights were occurring in Latin America. Colombia was the most dangerous country in the world for trade-unionists, who were being assassinated in large numbers for their activities. In 1993 alone, more than 150 trade-unionists had lost their lives. He urged the Commission to consider appointing a special rapporteur to carry out a comprehensive and impartial investigation into the matter.

36. The situation in Paraguay also merited close attention. In February 1995, several striking workers in that country had been killed or wounded by police. In another incident, workers had been dismissed by a television station after a union had been founded. His organization had sent a strong protest to the President of Paraguay and had requested that steps be taken to ensure basic trade-union rights.

37. Encouraged by the impunity enjoyed by the illegal and brutal regime of Myanmar, several Asian Governments were committing gross violations of human rights. In February 1995, the Government of Myanmar had launched a ferocious attack on the headquarters of the Karen minority, which was also the key base of the federation of trade unions in that country. The International Labour Organization had condemned the Government of Myanmar for violating its Conventions 29 and 105 on forced labour. The Commission should urge Governments to halt their trade relations with Myanmar until democracy was fully restored in that country.

38. Trade-union rights were also being violated in Indonesia. In November 1994, Muchtar Pakpahan, leader of the independent trade-union organization, and other trade-unionists had received prison sentences for their alleged involvement in 1994 strikes. The rights of the defendants had been blatantly disregarded during the trial and a legal challenge to the competence of the court had been disregarded. An appeal to a higher court had resulted in an increase in the original sentences. He urged the Government of Indonesia to release the trade-unionists involved.

39. Violations of trade-union rights in China continued. Hon Dong Fang, leader of a workers' federation, was still being denied the right to return to his country. The Commission must not continue to condone the human rights violations in China, which included police brutality, arbitrary detention, torture and violent repression of trade-union rights.

40. In Africa, trade unions were still regarded as a threat to the existing social order. Labour legislation in Sudan did not conform to ILO standards; the country had no independent trade-union organizations and hundreds of trade-unionists were apparently being held in detention. In October 1994, Ethiopian police had raided the headquarters of the confederation of Ethiopian trade unions and the organization had been closed down. In spite of a court order, the Government had not allowed the organization to resume operations. He urged the Commission to call upon the Ethiopian Government to comply with the court ruling and to refrain from interfering in trade-union matters.

41. Following a strike in the petroleum sector, the Government of Nigeria had dissolved the executive committee of the Nigerian Labour Congress and its two affiliated unions and had appointed a Government administrator. Elected trade-union leaders were still being detained. He called upon the Nigerian Government to release those individuals and allow the trade unions to hold free and fair elections.

42. Among the gross violations of trade-union rights in the former Yugoslavia, he wished to highlight the continued oppression of independent trade unions in Kosovo and in Bosnia and Herzegovina.

43. His organization also had ample evidence of serious violations of trade-union rights in other countries, including the Islamic Republic of Iran, Turkey, Philippines, Algeria, Guatemala, Peru and El Salvador.

44. Mr. AHDEROM (Baha'i International Community) said that the systematic campaign of repression of the Baha'i religious community in Iran had been institutionalized as Government policy. Over 200 Baha'is had been killed; others had disappeared or had been subjected to arbitrary arrest. In most cases, the charges were based solely on the individual's membership of the Baha'i community.

45. The Government of Iran was intent on strangling the Baha'i community. Higher education had been denied to an entire generation of Baha'i youth. All sacred sites, cemeteries and other properties had been desecrated, confiscated or destroyed. Members of the Baha'i community were denied their fundamental right to profess and practice their faith. They were also denied their most fundamental civil rights.

46. The Government of Iran maintained that the Baha'is were not persecuted for their religious beliefs. Yet, Baha'i prisoners were offered liberty and full economic rights in exchange for renouncing their faith.

47. In response to international pressure, the Government of Iran had, in the late 1980s, reduced the rate at which Baha'is were being executed and the number of them held in prison. However, there was mounting evidence that the Government had not renounced its goal but had merely changed its tactics.

The plan was to suffocate the community slowly and silently without arousing attention. A confidential memorandum, dated 25 February 1991 and bearing the handwritten endorsement of Iran's highest spiritual authority, was nothing less than a blueprint for the destruction of that community.

48. He urged the Commission on Human Rights to continue its close monitoring of the situation until all forms of repression had ceased and until the basic human rights and fundamental freedoms of the Baha'i in Iran were fully recognized.

49. Mr. NABI FAI (International Islamic Federation of Student Organizations) said that the people of Kashmir felt betrayed by the lack of action and concern on the part of the United Nations system. The Kashmiris still had confidence in the international community. However, after years of pleading their case in international forums and in view of the trauma they had suffered, hopes might have reached their limit.

50. Kashmir was a disputed territory and could not be regarded as belonging to India. Resistance to India could not be termed secessionist: Kashmiris could not secede from a State to which they had never belonged. According to the agreements between India and Pakistan, the future of the State of Jammu and Kashmir was to be determined by a vote under United Nations supervision.

51. The people of Kashmir did not understand why they had been deprived of their rights. They had risen up in peaceful protest to demand the implementation of United Nations resolutions and had been met with brutal military repression on the part of the Government of India, which had been carrying out a systematic policy of terror and intimidation in Kashmir.

52. Despite India's vindictive terrorism, the people of Kashmir had remained steadfast. The leaders of the multi-party conference in Kashmir were still willing to hold out the olive branch to India. Their goal was to achieve a peaceful and democratic solution of the conflict under United Nations supervision.

53. The current situation was highly dangerous. A solution must be found for the sake of international peace. With goodwill and respect for international law, that long-standing issue could be settled.

54. Ms. ROBINSON (Commission of the Churches on International Affairs of the World Council of Churches) said that her organization was concerned about the existence in the United States of America of consistent patterns of gross violations of human rights stemming from racial discrimination.

55. The African American community had brought cases of racial discrimination to the attention of the United Nations as early as 1947. Native Americans had been expressing their concern about the matter for nearly two decades.

56. She welcomed the ratification by the United States of the International Covenant on Civil and Political Rights in 1992 and the International Convention on the Elimination of All Forms of Racial Discrimination in 1994. However, it was most unfortunate that the United States had entered reservations with regard to both instruments.

57. The United States was bound under the International Covenant on Civil and Political Rights to guarantee adequate remedies for violations of human rights. Nevertheless, it sometimes failed to enforce the laws that would provide effective remedies to victims of racial discrimination.

58. A consistent pattern of racial discrimination could be seen in many aspects of American life. Although illegal, de facto segregated education continued to exist. Most African American children still attended schools where the majority of pupils were non-white. In California, Proposition 187, if implemented, would deny education to many minority children because of the suspected illegal immigration status of their parents.

59. Over the past 20 years, there had been a substantial decline in the amount of publicly subsidized housing, the consequences of which had disproportionately affected non-whites. Some 40 per cent of African American children were currently living in poverty. There was a concerted effort to reduce programmes providing food and housing assistance for mothers and children.

60. In the United States communities of colour suffered disproportionately high infant-mortality rates. Latino, African American and Native American communities also suffered disproportionately from toxic waste poisoning.

61. About 70 per cent of persons incarcerated in the United States were from non-white communities. Since the reinstatement of the death penalty in 1986, 39 per cent of those executed had been African Americans, although they represented only 12 per cent of the population.

62. In order to maintain its credibility, the United States must do more than just sign and ratify treaties. It must also increase legal protection and develop honest and effective structures and programmes to ensure that human rights were protected and violations remedied.

63. Mr. GENIUSAS (International Federation of Free Journalists) said that his organization was concerned about the increasing number of journalists who were being murdered for their political views or killed while working in combat zones. It was particularly concerned about suppression of the media and the deliberate use of disinformation and false information by Governments as a political tool to mobilize international public opinion and impede the right to self-determination.

64. The media had been used as a propaganda tool by the former Soviet Union. It was being used in a similar manner by the Russian Federation to project a distorted image of the Baltic States. The current allegation that the Baltic States, Estonia and Latvia in particular, were discriminating against Russian speakers had never been substantiated. Indeed, the three Baltic States had been accepted as members of the Council of Europe, while the Russian Federation had been denied membership because of its human rights abuses.

65. Rather than continuing its campaign of disinformation, the Russian Federation should resolve the issue of territories annexed from Estonia and

Latvia in violation of international law, halt its practices of discrimination against subjugated nations and resolve the problems of its minority groups in a peaceful way.

66. As a successor State to the former Soviet Union, the Russian Federation should provide restitution and compensation to the victims of the massive human rights violations, including massive deportations, arrests and genocide, committed against the Baltic people during the years of Soviet occupation.

67. His organization was profoundly concerned at the massacre of the Chechen people. The Russian Federation must be urged to stop the genocide, withdraw its forces and seek a peaceful political solution to the dispute. The use of excessive military force against the Chechen people had met with silence on the part of the international community, as if it wished to conspire in the genocide of an innocent people by calling it a domestic matter. It was difficult to see how that attitude could be adopted in the face of United Nations declarations on the right of self-determination and the need to bring colonialism to an end. The right of the Chechen people to self-determination and to pursue its economic, political and cultural development must be officially recognized and guaranteed.

68. Mr. UNGUIRO (World Christian Life Community) said that his organization was concerned at the political violence and human rights abuses in Peru, which had resulted in numerous political assassinations, enforced disappearances and extrajudicial executions. Despite the holding of congressional elections, constitutional bodies that strengthened democratic structures, such as an ombudsman and a constitutional court, were still lacking.

69. The independence of the judiciary was not fully respected and a system for the appointment of judges and government procurators had not yet been established. After reviewing the administration of justice in Peru, an international commission of jurists had concluded in November 1993 (the so-called Goldman Report) that the current system of administration of justice with respect to terrorism and especially to treason was in many essential aspects incompatible with the country's international legal obligations. The Goldman Report also called upon the Government of Peru to ensure that persons charged with the crime of terrorism were accorded due process of law.

70. The Minister of Justice of Peru had recently announced changes in the administration of justice with regard to terrorism which, however, did not include the specific change requested by the Goldman Report, namely, an end to trial by military courts of persons accused of terrorism deemed to constitute treason.

71. In November 1994, the Committee against Torture had made the same recommendations concerning the anti-terrorist legislation and had urged the Government to bring its legislation into line with its obligations under the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. None of those recommendations had been implemented.

72. His organization thus urged the Commission to send to Peru a joint mission of the Working Groups on Arbitrary Detention and on Enforced or

Involuntary Disappearances and the Special Rapporteur on the question of torture. The Commission should also ascertain Peru's requirements in the field of advisory services and provide such services through the Centre for Human Rights.

73. Mr. TAYLOR (Amnesty International) said that, all too often, members of the Commission accepted the excuses proffered by Governments to disown the brutality they inflicted on their citizens, especially when they preferred silence because of their own perceived economic and strategic interests.

74. It was a myth that drug trafficking was the principal cause of political violence in Colombia. Most political killings in that country were in fact committed by the army and its paramilitary allies. Public commitment by the Government to a human rights programme would not reduce the number of victims of extrajudicial execution, enforced disappearance or torture until the Government removed the impunity enjoyed by the army, security forces and paramilitary groups. Vigorous action by the Commission was essential to ensure that the Government of Colombia fulfilled its promises of reform and implemented the recommendations of the thematic rapporteurs who had visited the country during the previous year.

75. In Indonesia, serious human rights violations throughout the archipelago had been a persistent part of the Government's response to political opposition and a way of removing perceived obstacles to economic development. While the visit to East Timor by the Special Rapporteur on extrajudicial, summary or arbitrary executions had been a welcome step, it was disturbing that the Government had dismissed his report and recommendations as being unbalanced and not based on fact. The continued human rights violations, including extrajudicial executions, in East Timor highlighted the urgent need to implement the Special Rapporteur's recommendations.

76. In the case of Algeria, the Commission could no longer accept the Government's assertions that its forces had not committed human rights violations and that only the armed opposition was guilty of killings and other attacks on civilians. The terrible violence perpetrated against civilians by the armed opposition groups could not justify the recourse by the security forces to torture, extrajudicial executions and enforced disappearances. Visits by the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions would be an important step forward and their recommendations could help the authorities to take urgent and practical remedial measures. In that connection, the recently announced reforms to the Algerian legal codes must comply with international human rights standards.

77. Human rights violations by the Indian security forces in the State of Jammu and Kashmir had reached alarming proportions. His organization had condemned numerous abuses by armed opposition groups, but those abuses could not justify the Government's failure to address the gross violations perpetrated with virtual impunity by the security forces. The Government's own responses showed that none of the perpetrators had so far been brought to justice. The Commission should ensure that the Government of India implemented its stated commitment to transparency by inviting the Special Rapporteurs on the question of torture and on extrajudicial, summary or

arbitrary executions to visit Jammu and Kashmir and by allowing access to international human rights organizations, including Amnesty International.

78. While his organization was fully aware of the abuse of humanitarian law by armed opposition groups in Turkey, the Government of that country could not use those abuses to shield its own violations of international law. The credibility of the United Nations human rights system would be seriously damaged if the Commission continued to accept excuses from the Governments of Algeria, Colombia, Indonesia, India and Turkey.

79. Mr. NKUBITO (Observer for Rwanda) said that, following the horror of the recent genocide in his country which was in many ways unparalleled in the history of mankind, the primary concern of his Government was to guarantee the full enjoyment of human rights. The principle of respect for human rights was embodied in the Basic Law of the State - the Constitution of June 1991, the Arusha Agreements, and the Protocol signed by the political parties on 24 November 1994. The Basic Law designated the judiciary as the guarantor of the rights and freedoms of all citizens without distinction or discrimination. In conformity with the Arusha Agreements, the Government had recently withdrawn all of its reservations to the international human rights instruments which it had ratified.

80. Given the breakdown of law and order and the lack of respect for human rights which had characterized the recent turmoil in the country, the first responsibility of his Government was to restore law and order and then to maintain it by establishing strong institutions. Three of the four institutions envisaged in the Basic Law had already been established and the fourth, the judicial system, would be established shortly with the support of the international community. Indeed, the country's lack of human and material resources made such support essential.

81. His Government was doing everything in its power to put an end to the numerous human rights violations that had sullied the nation, including impunity, dictatorship, summary executions and disappearances, the persecution of journalists, arbitrary or illegal detentions, criminal behaviour characteristic of post-conflict periods, the seizure and pillage of property and torture and private abductions. Unfortunately, members of the armed forces of the former Government continued to infiltrate the country in order to spread panic and discourage non-governmental organizations and the United Nations Assistance Mission to Rwanda (UNAMIR) from carrying out its work.

82. One of the consequences of his Government's efforts to put an end to impunity and to seek the truth by placing on trial those responsible for the genocide was that the country's prisons were overflowing and minimal standards of health and hygiene could not be met. In fact, the country lacked accommodation for its detainees as well as the means to maintain them. There again, he appealed to the international community for assistance in order to forestall a new humanitarian crisis.

83. Turning to the proposed draft resolution on Rwanda, he said that his Government supported that text which condemned the political perversion that

had taken place in Rwanda and appealed for international solidarity to put an end to impunity and to support the efforts of the new Government to achieve national reconstruction and reconciliation.

84. The main objectives of his Government's policy of reconciliation and democratization were: the return of Rwandese refugees, the restoration of internal security, reorganization of the judicial system, further democratization in keeping with the Arusha Agreements, respect for fundamental freedoms, settlement of disputes over ownership of property, establishment of a local government administration, creation of a national army, national reconciliation and prosecution of the alleged perpetrators of the genocide.

85. Turning to the recommendations contained in the report of the Special Rapporteur on the situation of human rights in Rwanda (E/CN.4/1995/12), he noted that the Government had never advocated the exclusion of any political group in Rwanda other than the MRND and CDR parties, which had planned and executed the genocide. In fact, those political parties had been excluded by the Arusha Agreements and the Protocol signed by the political parties. His Government had appealed to individual members of those parties to denounce the genocide and to join their compatriots in rebuilding the country. Unfortunately, they remained prisoners of other factors, such as the propaganda campaign of those who had committed the genocide and who did not wish to be isolated. It would be immoral for his Government to hold talks with murderers about power-sharing.

86. Some improvement in the security situation had been noted following the receipt of some limited assistance by the security services. There had also been some improvement with respect to property laws as a result of the establishment of an inter-ministerial committee and daily meetings of the technical committee charged with enforcing the rights of former property owners. The situation had been made more difficult, however, because of the return of large numbers of emigrants and his Government looked forward to the assistance of the international community for its resettlement programme.

87. With regard to personal security, the situation had improved considerably and his Government, together with the civilian authorities responsible for the prisons, had established committees to identify and release those accused persons against whom there was no evidence of guilt. The improvement in the situation was also the result of the training which the police force had received from UNAMIR, the instructions issued by the Ministries of Justice and Defence, the seminars organized with the assistance of non-governmental human rights organizations, and the presence of a small number of human rights monitors.

88. The right to life was being increasingly respected, especially since the passage of a Decree-Law on 25 October 1994 establishing military courts. Attacks on individuals still occurred, however, largely by undisciplined members of the armed forces avenging the killing of their relatives or by civilians using soldiers to settle private feuds or to steal. His Government had to date arrested more than 600 soldiers of all ranks who were accused of such criminal activities.

89. With regard to refugees and displaced persons, the Government continued to appeal to the refugees to return home but requested the help of the international community to separate the criminals from the innocent. It was the responsibility of his Government to ensure the security of its citizens in and around the displaced persons camps.

90. His Government had every intention of continuing to respect the fundamental rights and freedoms enshrined in the international instruments which the country had ratified. It also proposed to ratify those instruments which it had not yet ratified. At the same time, it called upon the international community to carry out the promises made to provide assistance for the rehabilitation and reconstruction of his country, particularly with respect to the justice system and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law. It also requested the extension of the mandate of the Special Rapporteur and of the human rights monitors and observers.

91. Mr. BERNARD (International Federation of Human Rights) said that the Commission should react immediately and firmly to the deterioration in the human rights situation in Burundi. Given the gravity of the situation, the recent suggestions of the High Commissioner for Human Rights did not constitute an adequate response. All the signs that preceded a genocide were currently evident in Burundi and it was imperative that the Commission break the silence which masked the preparation of a new tragedy.

92. The events in Rwanda had shown that the preparations for genocide were abetted by sections of the media. In Burundi, several newspapers were constantly preaching racial hatred, and his organization called for their suspension. It also urged the Commission to adopt a resolution on Burundi forthwith without waiting for the moment scheduled in its agenda.

93. Mr. BIRDAL (International Federation of Human Rights) said that his organization was deeply concerned about the massive and systematic violations of human rights in Turkey. Despite promises of democratization, the human rights situation had in fact deteriorated. Fundamental rights and freedoms, particularly the right to life, were being constantly violated and the source of those violations were the Constitution itself and the laws that had been enacted immediately after the military coup of 1980. The number of victims of torture, extrajudicial execution, enforced disappearance, the confiscation of journals and newspapers, and the burning and evacuation of villages had increased from 1993 to 1994.

94. One of the most fundamental freedoms, the freedom of expression, was currently restricted by some 152 codes. Increasing numbers of politicians, scholars, writers, journalists and leaders of mass organizations were being imprisoned because their opinions had been deemed to be criminal.

95. The struggle for the realization of the rights and freedoms of minorities and ethnic groups had been gaining increased prominence in recent years. That was why the rights of oppressed peoples everywhere were of concern to his organization. The Kurds, for example, were deprived of the opportunity to express their wishes, speak their own language and utilize their own culture.

They were deprived not only of civil and political rights and freedoms but also of economic, social and cultural rights. It was becoming increasingly difficult to resolve the problem, particularly since Turkey had opted for a military solution.

96. Human rights defenders and monitors were under severe threat in Turkey. Over the previous three years, many had been killed, imprisoned or otherwise harassed by security forces. Although Turkey had signed or ratified many international human rights instruments, it had failed to establish a system based on the rule of law, democracy and respect for human rights. He urged the Commission to give the situation in Turkey the attention it deserved.

97. Ms. ASSAAD (International PEN) said that, over the past year, there had been no substantial reduction in the number of writers and journalists detained for exercising their right to freedom of expression and association in Tibet, Viet Nam, Myanmar, the Syrian Arab Republic, Cuba and Peru. In Tibet, new arrests had brought the number of prisoners detained for exercising that right to over 40. Most had been convicted of "counter-revolutionary propaganda". Others, who had reported Chinese human rights abuses to the overseas media, had been detained on allegations of leaking official secrets.

98. In Myanmar, more writers and journalists had been detained for criticizing the Government, and at least 10 were serving sentences of up to 20 years. Hopes that Nobel laureate Daw Aung San Suu Kyi would be freed when her current detention order expired in July 1995 were threatened by recent reports that the Government was considering revising the Constitution to allow for a further extension of her detention.

99. At least five writers were serving prison terms of up to 10 years in Cuba, most of them convicted of "disseminating enemy propaganda" or "rebellion", catch-all phrases for criticism of the Government. They were not believed to have advocated violence in their writing: many had simply called for political reform or reported on alleged human rights abuses.

100. In Peru, at least six journalists had received prison sentences of up to 20 years under anti-terrorist legislation. Some had been convicted of "apology for terrorism"; others had been found guilty despite a lack of evidence against them or convicted on evidence given by a jailed terrorist suspect seeking to benefit from the Repentance Law.

101. In Viet Nam, 12 writers had been imprisoned for up to 15 years or were under house arrest on charges linked to their writings or to peaceful political activities. Three Buddhist monks, sentenced to death for working with a human rights organization, had had their sentences commuted to 20 years' imprisonment.

102. Nine writers and journalists were serving sentences of up to 15 years in the Syrian Arab Republic, most of them convicted of alleged membership of non-violent political or human rights organizations. Some had been detained for about 10 years before being brought to trial. One writer had been held since 1970 and continued to be detained, although he had served his 15-year sentence for writing books critical of the Government's military policy.

103. Ms. de BURLET (Human Rights Watch) said that the parties to armed conflicts throughout the world continued to claim thousands of civilian lives with impunity, through indiscriminate methods of warfare, policies of fomenting ethnically motivated violence, and victimization of those displaced by wars.

104. In the Russian Federation, the war in Chechnya had unleashed fire-power against civilians on a distressing scale, reducing Grozny to rubble and causing about 350,000 persons to flee. Indiscriminate bombing by Russian forces had hit civilian targets such as homes, hospitals and orphanages, both in the capital and in outlying villages. Russian soldiers had shot civilians, either indiscriminately or deliberately, and had allegedly opened fire on a column of refugees trying to leave Chechnya. Chechen forces had also shot civilians indiscriminately. Both sides had treated detainees with appalling brutality.

105. A Russian human rights organization, Memorial, reported that detainees had been shot, beaten and put through mock executions at a makeshift Russian prison camp in Mozdok. As the war moved out of Grozny into the mountain villages, there was a danger that Russian operations aimed at ferreting out guerrillas would turn into wanton beating and killing of civilians and destruction of civilian property.

106. In the former Yugoslavia, there had been a significant increase in ethnic cleansing and other abuses of non-Serbs in Serb-controlled areas of Bosnia and Herzegovina since May 1994. Reports of new forced labour camps and detention centres had been confirmed by the United Nations High Commissioner for Refugees (UNHCR) and by the International Committee of the Red Cross (ICRC), and military personnel and private individuals continued to commit crimes with impunity. Systematic persecution of non-Serbs continued in territories that had long been under absolute Serb control. Her organization firmly believed that the Bosnian-Serb regime must be held accountable by the international community, for no lasting peace was possible until the persons responsible for war crimes had been brought to justice.

107. Since the Commission's last session, up to 1 million people had been murdered in Rwanda in a methodical programme of genocide. Assumptions that the worst was over were unfortunately unfounded, for the perpetrators of that genocide were reportedly rearming in exile. Radio broadcasts echoing past calls to genocide were going out to the Hutu majority in Rwanda and Burundi alike. There was a real prospect of renewed slaughter, that could embroil much of Central Africa in violence on an unprecedented scale. The international community must take steps to prevent such catastrophic human rights abuses.

108. Her organization urged the Commission and the States Members of the United Nations to give the prevention of genocide and the punishment of those guilty of genocide their highest priority; to provide political, material and financial support for the work of the international tribunals established to adjudicate crimes in the former Yugoslavia and in Rwanda; and to address the war crimes taking place in Chechnya by vigorously condemning the perpetrators and considering the creation of a mechanism to establish accountability for those crimes.

109. Mr. KALATTAS (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that, following the Turkish invasion and occupation in 1974, 200,000 Greek Cypriots, representing 82 per cent of the population of the occupied area, had been expelled from their homes and lands, while approximately 20,000 Greek Cypriots had remained in their villages in the occupied area. As a result of the Turkish occupying army's deliberate policy of harassment, racial discrimination, intimidation and coercion, only 500 of them still remained in enclaves in the Karpass Peninsula.

110. For almost 21 years, the occupying Power had continued to apply a policy of ethnic cleansing against the Greek Cypriots in the occupied territory by, first, denying Greek Cypriots access to medical and educational facilities; secondly, by separating families and forbidding relatives to visit the enclaves (pupils studying outside the enclaves were allowed to visit them only during school holidays); thirdly, by confining the Greek Cypriots to their villages and immediate surroundings in the enclaves, unless special permission had been accorded by the occupying regime; fourthly, by preventing the United Nations Peace-keeping Force in Cyprus (UNFICYP) from having free access to the enclaves and lastly, by allowing the Greek Cypriots in the enclaves to be subjected to all manner of oppression and atrocities by the Turkish settlers from the mainland.

111. Those violations of human rights were confirmed by the non-governmental organization Médecins du Monde, by the Secretary-General's various reports since 1974, in a report by the former Chief Humanitarian Officer of UNFICYP, and by the European Commission of Human Rights which had found Turkey responsible for grave violations of human rights in Cyprus since 1974. Moreover, in a series of articles published in the Istanbul newspaper Milliyet in 1979, a Turkish journalist had also confirmed that Greek Cypriots in the occupied area lived in inhuman conditions.

112. His organization appealed to organizations and individuals dealing with violations of human rights to visit the Karpass Peninsula and witness the situation; for Turkish crimes against Cyprus had been tolerated for too long.

113. Mr. LEGAULT (Canada) said that human rights must be universal not only in character but also in application. Violations of human rights in any part of the world were the legitimate concern of the Commission, and the idea that human rights issues were a purely internal matter had long since been abandoned. That did not mean, however, that the debate on agenda item 12 should be approached in a spirit of triumphalism, for no country, including his own, was without its human rights problems. Nor should it be approached in a spirit of confrontation. His delegation sought to defend the human rights of everyone everywhere, not to attack anyone anywhere.

114. All too often, requests for cooperation with United Nations human rights mechanisms were ignored by States. Thus, gross violations of human rights persisted in Iraq, and the Islamic Republic of Iran continued to deny access to the Special Representative. It was regrettable that the Sudanese authorities had misconstrued criticism of human rights abuses as an attack upon Islam, and the relevant Special Rapporteur must be allowed renewed access to the Sudan in order to continue his work. Meanwhile, the decision by the

Government of Myanmar to allow the relevant Special Rapporteur to visit the country appeared to have been largely a gesture to soften international criticism. His delegation urged the State Law and Order Restoration Council (SLORC) to implement all the Special Rapporteur's recommendations without delay, as a first step towards national reconciliation and democratic reform.

115. Happily, other countries had begun to show a new spirit of cooperation with United Nations human rights mechanisms. The visit of the High Commissioner for Human Rights indicated a new willingness on the part of the Government of Cuba to enter into a dialogue. Nevertheless, it should also respond positively to the relevant Special Rapporteur's requests to visit the country, and should cooperate with the thematic rapporteurs. Cuba's generally positive record in some areas of economic and social rights in no way justified its continuing violations of civil and political rights.

116. It was gratifying to note that the Special Rapporteur on extrajudicial, summary or arbitrary executions had been able to visit East Timor. The Government of Indonesia should implement his recommendations and should also cooperate with other mechanisms, for the overall situation in East Timor appeared to be deteriorating rapidly. Although the situation in Jammu and Kashmir continued to be a matter of serious concern, the Government of India had taken some positive action to improve the situation there. It should invite other thematic rapporteurs to visit the region, and allow unimpeded access by international humanitarian organizations and human rights NGOs. At the same time, violence by militants, some of them operating from Pakistani territory, must be condemned.

117. Recent improvements in the human rights situation in Sri Lanka were to the Government's credit. For their part, the Liberation Tigers of Tamil Eelam (LTTE) must cease their abuses of human rights. His delegation also welcomed the willingness of the Government of China to establish a constructive dialogue with the Commission, its readiness to receive a visit by the Special Rapporteur on religious intolerance and its efforts to strengthen its judicial system. Nevertheless, the Government of China still fell short of international standards in its incarceration of political detainees and with respect to equity and transparency in the judicial system, freedom of expression and freedom of religion. International organizations should be permitted to have access to Chinese prisons.

118. Underdevelopment, mass poverty and violations of human rights and fundamental freedoms were a lethal combination that could lead to a total breakdown of societies. The High Commissioner for Human Rights should use his good offices to promote respect for human rights in Somalia. In Angola and Liberia, also, the situation cried out for national reconstruction and reconciliation. In Afghanistan, despite recent developments that had added to the violence, it was to be hoped that the peace accord agreed to by the major factions would yet be implemented.

119. Internal disputes should be resolved through negotiation and not through the threat or use of force. The Russian Federation merited the full support and assistance of the international community in the complex transition it was undergoing. Nevertheless, violations of human rights and humanitarian law in

Chechnya were to be deplored and condemned, and the Russian authorities must find a peaceful solution to the conflict, for the events in the former Yugoslavia graphically illustrated the horrors of ethnic conflict and the futility of force. "Ethnic cleansing" was perhaps the ugliest term and the ugliest practice to have entered the vocabulary of inhumanity since the Holocaust.

120. Democratic societies had a responsibility to avoid the suppression of human rights in their struggle against terrorism. The Government of Colombia should have the support of the international community for its declared priority of addressing human rights abuses. In Peru, despite a marked improvement in the human rights situation, arbitrary detention and torture by military forces still continued. The Government of that country must persevere in its efforts to strengthen democratic institutions and the protection of human rights.

121. El Salvador had also made significant progress in improving respect for human rights, and his delegation welcomed the Government's cooperation with the Independent Expert, whose mandate should be renewed for another year. In Guatemala, however, the human rights situation had actually deteriorated. The situation in that country continued to warrant consideration under agenda item 12, and the mandate of the Independent Expert should be maintained, and indeed reinforced.

122. The Commission should endorse the Aristide Government's call for assistance in establishing a truth and justice commission in Haiti, and the High Commissioner for Human Rights should be mandated to play a role in strengthening the judiciary and building up Haiti's institutional capacity to foster respect for human rights.

123. The Commission must rejoice that the birth of a new South Africa had allowed it to remove that country from its agenda. Other parts of Africa, however, presented a very different picture. His delegation strongly condemned the escalation of violence, terrorism and abuses of human rights in Algeria. In Kenya, where thousands of victims of tribal clashes were still internally displaced, it was disturbing to see how the Government was dealing with the causes and consequences of tribal conflict. In Nigeria, the military regime had jettisoned years of cautious progress towards democracy, set itself above the law, and systematically violated the human rights of its citizens. It must put an end to those abuses and accept the recommendations of its own constitutional conference for a return to democracy in 1995.

124. The tragedy of Rwanda demonstrated all too graphically the need for both early warning and preventive diplomacy to ensure that human rights violations did not erupt into full-scale conflict or outright genocide. The current crisis in Burundi threatened a repetition of Rwanda. His delegation urged the Government of Burundi to accord the highest priority to national reconciliation, lest the situation should deteriorate beyond repair. In that regard, his Government also welcomed the initiatives of the High Commissioner for Human Rights in seeking to translate early warning into early response and preventive action. Lastly, he urged the High Commissioner to send a team of human rights experts and monitors to Zaire, where another crisis cried out for preventive action.

125. All societies were susceptible to the evils of racism, extremism and discrimination. In North America and Western Europe, those evils had gained new momentum as a result of unaccustomed economic difficulties. There, as elsewhere, the Commission must deplore the failings but commend the efforts to address them.

126. Canada, for its part, had been criticized by human rights bodies in the past. The plight of its aboriginal citizens remained a matter of special concern and attention for his Government. Canada pretended to no superiority, and had no wish to play politics with human rights situations in any country; it professed only the equal worth and dignity of all human beings by reason of their very humanity.

The meeting rose at 6.10 p.m.